

BOBBY JINDAL  
GOVERNOR



HAROLD LEGGETT, PH.D.  
SECRETARY

# State of Louisiana

## DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL SERVICES

FEB 13 2009

CERTIFIED MAIL 7008 1140 0002 5900 7091

-RETURN RECEIPT REQUEST

File No.: EA0124435  
AI No.: 12204  
Activity No.: PER20080002

Mr. Dennis Pastime  
FMT Shipyard & Repair, LLC  
FMT Shipyard  
2360 5th Street  
Mandeville, Louisiana 70471

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge treated sanitary wastewater, incoming ballast water and void water from customer barges, maintenance and dry dock ballast water and void water, hydrostatic test wastewater, stormwater, equipment washwater, and air compressor condensate to an unnamed drainage ditch to Murphy Canal, and thence to Barataria Bay via the Intracoastal Waterway from a proposed barge/vessel repair and painting facility to be located at 3640 Peters Road in Harvey, Jefferson Parish.

Dear Mr. Pastime:

The Department of Environmental Quality proposes to issue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge in accordance with this permitting action will only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT.

This Office will publish a public notice one time in the local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521 states, "...The costs of publication shall be borne by the applicant."

The invoice, fee rating worksheet, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. A copy of the entire Louisiana Water Quality Regulations may be obtained from the LDEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

FMT Shipyard & Repair, LLC  
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Pursuant to LAC 33:IX.1309.I, LAC 33:IX.6509.A.1 and LAC 33:I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division (225) 219-3863 or accessing LDEQ's web site at [www.deq.louisiana.gov](http://www.deq.louisiana.gov). Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit and/or assessment of a civil penalty against you.

Please be advised that according to La. R.S. 48:385 any discharge to a highway ditch, cross ditch, or right-of-way shall require approval from the Louisiana Department of Transportation and Development, Post Office Box 94245, Baton Rouge, Louisiana 70804-9245, (225) 379-1234 and from the Department of Health and Hospitals, Office of Public Health, P.O. Box 4489, Baton Rouge, Louisiana 70821-4489, (225) 342-7395.

For sanitary treatment plants, the plans and specifications must be approved by the Department of Health and Hospitals, Office of Public Health, P.O. Box 4489, Baton Rouge, Louisiana 70821-4489, (225) 342-7395.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fee, please contact Valerie Powe, Office of Environmental Services, at the address on the preceding page, by telephone at (225) 219-3135 or by e-mail at [valerie.powe@la.gov](mailto:valerie.powe@la.gov). To ensure that all correspondence regarding this facility is properly filed, please reference your Agency Interest number 12204 and LPDES permit number LA0124435 on all future correspondence to this Department, including Discharge Monitoring Reports.

Sincerely,



Jesse Chang, Environmental Scientist Manager  
 Industrial Water Permits Section

vmp

Attachment(s) including draft permit, Attachment 1, statement of basis and fee sheet:

c: Valerie Powe  
 Water Permits Division

IO-W

Permit Compliance Unit  
 Office of Environmental Compliance

cc: Chief Engineer  
 Department of Transportation and  
 Development

Office of Public Health  
 Department of Health and Hospitals

Scott Guilliams  
 Water Permits Division

Public Participation Group (for PN)  
 Office of Environmental Assistance

Ms. Gayle Denino  
 Office of Management & Finance

**DRAFT**

PERMIT No.: LA0124435

AI No.: 12204

OFFICE OF ENVIRONMENTAL SERVICES  
**Water Discharge Permit**

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

FMT Shipyard & Repair, LLC  
 FMT Shipyard  
 2360 5th Street  
 Mandeville, Louisiana 70471

Type Facility: Barge/Vessel Repair and Painting

Location: 3640 Peters Road in Harvey  
 Jefferson Parish

Receiving Waters: unnamed drainage ditch to Murphy Canal, and thence to Barataria Bay via the Intracoastal Waterway, (Subsegment 020601)

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on \_\_\_\_\_

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

**DRAFT**

Issued on \_\_\_\_\_

\_\_\_\_\_  
 Cheryl Sonnier Nolan  
 Assistant Secretary

## Part I

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 001, the discharge of treated sanitary wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		Other Units (lbs/day, UNLESS STATED) (mg/L, UNLESS STATED)				Measurement Frequency	Sample Type
		Monthly Average	Weekly Average	Monthly Average	Weekly Average		
Flow-MGD	50050	---	Report	---	---	1/6 months	Estimate
BOD <sub>5</sub>	00310	---	---	30	45	1/6 months	Grab
TSS	00530	---	---	30	45	1/6 months	Grab
Fecal Coliform colonies/100 mL(*1)	74055	---	---	200	400 (*2)	1/6 months	Grab
pH (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*3) (Max)	1/6 months	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 001, at the point of discharge from the sewage treatment plant located northeast of the existing office building prior to combining with other waters.

FOOTNOTE(S):

- (\*1) See paragraph V.
- (\*2) Daily Maximum.
- (\*3) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 002, the discharge of treated sanitary wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		Other Units (lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Weekly Average	Monthly Average	Weekly Average		
Flow-MGD	50050	---	Report	---	---	1/6 months	Estimate
BOD <sub>5</sub>	00310	---	---	30	45	1/6 months	Grab
TSS	00530	---	---	30	45	1/6 months	Grab
Fecal Coliform colonies/100 mL(*1)	74055	---	---	200	400 (*2)	1/6 months	Grab
pH (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*3) (Max)	1/6 months	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 002, at the point of discharge from the sewage treatment plant located on the southeast part of the facility behind the proposed temporary office building prior to combining with other waters.

## FOOTNOTE(S):

- (\*1) See paragraph V.
- (\*2) Daily Maximum.
- (\*3) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 003, the intermittent discharge of stormwater and previously monitored effluent from Internal Outfall 301 (equipment washwater) and Internal Outfall 302 (hydrostatic test wastewater) (\*1)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		Other Units (lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-GPD	50050	Report	Report	---	---	1/quarter	Estimate
TOC	00680	---	---	---	50	1/quarter	Grab
Oil and Grease	03582	---	---	---	15	1/quarter	Grab
pH	00400	---	---	6.0 (*2)	9.0 (*2)	1/quarter	Grab
(Standard Units)				(Min)	(Max)		

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

See Part II, Paragraph U.

Outfall 003, at the point of discharge from the barge/ vessel prior to combining with other waters.

FOOTNOTE(S):

- (\*1) When discharging.
- (\*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 301, intermittent discharge of equipment washwater (\*1)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
		Other Units					
		(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/quarter	Estimate
TOC	00680	---	---		50	1/quarter	Grab
Oil and Grease	03582	---	---		15	1/quarter	Grab

See Part II, Paragraphs I, J, K, L, M, N, O

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 301, at the point of discharge from a holding tank that is tested prior to combining with Outfall 003.

FOOTNOTE(S):

(\*1) When discharging.

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During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 302, the intermittent discharge of hydrostatic test wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		Other Units					
		(lbs/day, UNLESS STATED) (mg/L, UNLESS STATED)					
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-GPD	50050	Report	Report	---	---	1/event	Estimate
TOC (*2)	00680	---	---	---	50	(*1)	Grab
Oil & Grease	03582	---	---	---	15	(*1)	Grab
TSS (*3)	00530	---	---	---	90	(*1)	Grab
Benzene (*4)	34030	---	---	---	50 ug/L	(*1)	Grab
Total BTEX (*2&4)	30383	---	---	---	250 ug/L	(*1)	Grab
Total Lead (*2)	01051	---	---	---	50 ug/L	(*1)	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 302, at the point of discharge from a holding tank that is tested prior to combining with Outfall 003.

FOOTNOTE(S):

- (\*1) Monitoring is required once prior to proposed discharge.
- (\*2) Total Organic Carbon (TOC) shall be measured on discharges from facilities which have previously been in service – i.e., those which are not new. Benzene, Total BTEX, and Total Lead shall be measured on discharges from pipelines or vessels which have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. Accordingly, Flow, TSS, Oil and Grease, and pH are the only testing requirements for new pipelines or vessels.
- (\*3) The background concentration of Total Suspended Solids (TSS) will be allowed in the discharge if the effluent is being returned to the same water source from which the intake water was obtained. In these cases, the permit limitations will be 90 mg/L plus the concentration of TSS in the intake water. The TSS concentration of the intake water shall be reported on the Discharge Monitoring Report (DMR) along with the concentration of TSS in the effluent.
- (\*4) BTEX is measured as the sum of benzene, toluene, ethylbenzene, ortho-xylene, and para-xylene, as quantified using the methods prescribed by the latest approved 40 CFR 136, Tables, A-G



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During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 04A, the intermittent discharge of incoming ballast and void water from customer barges  
 Outfall 04B, the intermittent discharge of maintenance and dry dock ballast water and void water

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations		Monitoring Requirements(*1)			
		Other Units (lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/week(*2)	Estimate
COD	00340	---	---	---	250	1/week(*2)	Grab
Oil & Grease	03582	---	---	---	15	1/week(*2)	Grab
pH	00400	---	---	6.0 (*3)	9.0 (*3)	1/week(*2)	Grab
(Standard Units)				(Min)	(Max)		

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 04A, at the point from the customer's barge wing/void tanks prior to combining with other waters.

Outfall 04B, at the point from the work barge wing/void tanks prior to combining with other waters. **Sampling for 04B is only required if a visible sheen is present.**

FOOTNOTE(S):

- (\*1) See Part II Paragraph P.
- (\*2) The measurement frequency for Outfall 04B for the discharge of maintenance ballast water and dry dock ballast water shall be 1/month whenever sampling is required instead of 1/week as stated above.
- (\*3) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 005, the intermittent discharge of air compressor condensate (\*1)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		Other Units					
		(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-GPD	50050	Report	Report	---	---	1/quarter	Estimate
TOC	00680	---	---	---	50	1/quarter	Grab
Oil and Grease	03582	---	---	---	15	1/quarter	Grab
pH	00400	---	---	6.0 (*2)	9.0 (*2)	1/quarter	Grab
(Standard Units)				(Min)	(Max)		

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 005, at the point of discharge from the barge/ vessel prior to combining with other waters.

FOOTNOTE(S):

(\*1) When discharging.

(\*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the Office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

- A. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
- B. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
- C. For definitions of monitoring and sampling terminology see Part III, Section F.

D. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutant(s):

Benzene  
Total Lead

E. 40 CFR PART 136 (See LAC 33:IX.4901) ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.4901).

F. FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE

If the flow measurement sample type in Part I is specified as "estimate", flow measurements shall not be subject to the accuracy provisions established at Part III.C.6 of this permit. The daily flow value may be estimated using best engineering judgement.

- G. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

Effective date of the permit

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## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

H. PERMIT REOPENER CLAUSE

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

I. GENERAL REQUIREMENTS FOR BARGES/VESSELS

General requirements for barges/vessels carrying all types of cargo and/or supporting activity, i.e., barge/vessel washing, work barges/vessels, bunkering barges/vessels, midstream refueling barges/vessels, barges/vessels carrying coal, coke, grain, rock, chemical, or any other cargo are described in the following. **Please note: The General Requirements for barges/vessels does apply to all barges/vessels. However, for numbers 1 and 2, the permittee is responsible for permittee barges/vessels only. Requirement 3 is specific to the entire facility, therefore the SPC plan should include, in general terms, other barges/vessels being repaired. The permittee would be responsible for meeting requirements 4 and 5 for all barges/vessels at the facility.**

Best Management Practices (BMP) shall be used to prevent the discharge of contaminated waters or cargo and shall be at least equivalent to the following:

1. Louisiana Administrative Code Title 33:IX.9 Spill Prevention and Control (SPC) does apply to all tanks and equipment mounted on barge/vessel surfaces as well as to any tanks on shore. All pumps, tanks, vessels or other equipment on work or washwater barges/vessels shall be placed on impervious decks and provided with spill containment systems such as curbs, gutters, sumps or absorbents and drip pans capable of retaining

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spills of oil and other materials.

2. With respect to work and washwater barge/vessel surfaces, LAC 33:IX.907.F.1 referring to containment is modified to include a requirement that the containment volume must be sufficient to contain the volume of the largest tank or vessel on the barge/vessel surface, or 35% of the total volume of all tanks or vessels mounted on the barge/vessel surface, whichever is larger.
  3. If applicable, the facility SPC plan is required to be prepared and implemented within 180 days of the final permit effective date.
  4. Wastewaters generated in the process of washing barge/vessel deck surfaces may be discharged provided: a.) residual oil and other contaminants that may be present on the deck surface are removed before the washing takes place, by means of absorbents or other appropriate methods that prevent oil and other contaminants from entering the waterway; and b.) if a cleaning agent is used in the wash process, it is one that is biodegradable.
  5. Wastewaters generated, prior to barge/vessel maintenance and/or repair, in the process of hydroblasting (or pressure washing) of the barge/vessel exteriors (excluding decks, refer to number 4 above) may be discharged provided that if a cleaning agent is used in the wash process, it is one that is biodegradable.
- J. Rainwater or river water that has accumulated in open top customer barges/vessels that have been properly cleaned (excluding coal and coke\*) or have never contained any cargo, and/or in the permittee's spar barges/vessels that never contain any cargo, may be discharged without sampling provided there is no visible oil sheen and no visible indication of any other contamination other than minor amounts of rust. If a sheen or visible indication of other contamination is present, a sample must be taken and tested for compliance with the following parameters prior to discharge:

TOC - 50 mg/L; Oil & Grease - 15 mg/L; and pH within the range of 6.0 - 9.0 standard units.

If a sample(s) has been taken and tested, monitoring results (summarized monthly) must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). DMR forms shall be submitted quarterly along with and in the same manner as DMR forms for outfalls.

- \* The discharge of rainwater or riverwater from barges/vessels that contained coal and/or coke is considered contaminated and is not permitted.
  - \* The discharge of rainwater or riverwater from barges/vessels that contained coal and/or coke is considered contaminated and must be discharged by way of the coal and coke barge/ vessel washwater outfall.
- K. Discharge of rainwater from subject barges/ vessels that have not been cleaned, must be discharged through the appropriate outfall and in accordance with the effluent limitations and conditions for the outfall for that type of barge/ vessel.

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L. BEST MANAGEMENT PRACTICE (BMP) OR STATE OF THE ART FOR CLEANING DRY CARGO BARGES WITH THE COMMODITIES LISTED IN PART II, ATTACHMENT 1.

1. There shall be no discharge of bulk solids.
2. Solids remaining on the barge after primary cleaning/product recovery methods such as front end loader, etc. must be removed for disposal as appropriate using vacuuming, sweeping or other acceptable methods.

M. SPECIAL REPORTING REQUIREMENTS FOR BARGE CLEANING FACILITIES

1. On a monthly basis, report products that were in the barges cleaned and the number of barges cleaned that contained that product. Report the total volume of washwaters accumulated for the month and the total washwaters discharged during the reporting period, the total water used for washing, and the average, maximum and minimum amount of water used per barge cleaning and per compartment.
2. The above information is to be summarized monthly, and submitted to the Office of Environmental Compliance with the quarterly Discharge Monitoring Reports (DMRs).

N. FACILITY LOCATION FOR BARGE CLEANING

Operations shall occur only at 3640 Peters Road, Harvey, Louisiana in Jefferson Parish. This permit to clean barges at the facility is restricted to the permitted facility location. Activities at any other (not specified) location are not permitted.

- O. Only washwater from barges and vessels that contained the materials specifically listed in Attachment 1 and treated as indicated through the respective outfall may be discharged. No other washwater from any other source and/or containing any other materials shall be discharged without prior written approval of the Permits Division. This approval may require a permit modification.

P. BALLAST WATERS

1. Incoming ballast/void tank water from a randomly selected customer barge/vessel must be sampled once per week and tested for compliance with Part I requirements applicable to incoming ballast water. The volume of all such ballast water discharges, the date of the discharge and the name of the vessel must be recorded in a daily operating log, a copy of which is to be submitted to LDEQ quarterly with the facility's Discharge Monitoring Reports. Discharges which exceed the specified limits must be reported to LDEQ as excursions. "Incoming ballast" means ballast water that comes into the permittee's facility on board customer barge/vessel wing tanks/ballast tanks or is generated as a result of the permittee placing water into customer barge/vessel wing tanks/ballast tanks.
2. The volume of all discharges of maintenance ballast, dry dock ballast, and/or void tank water from work, treatment, spar, office barges/vessels, or dry dock(s), the date of discharge, the presence or absence of a sheen, and the name of the vessel must be

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recorded in a daily operating log, a copy of which is to be submitted to LDEQ quarterly with the facility's Discharge Monitoring Reports. Discharges which exceed the specified limits must be reported to DEQ as excursions. As used in this paragraph, "maintenance ballast" means river water that has leaked into work barges/vessels which are a fixed part of the facility and "Dry dock ballast" means river water that has been pumped/flooded into a dry dock by the permittee for the purpose of maintenance and/or inspection of a vessel.

Maintenance ballast/void tank water from cleaning plant work barges/vessels, wastewater treatment barges/vessels, work barges/vessels, or the office barge/vessel and dry dock ballast water may be discharged without sampling for COD, Oil & Grease, and pH provided there is no visible oil sheen. **If a visible sheen is present in the compartment containing the ballast water prior to the discharge event or if an oil sheen is observed during the discharge event, a sample shall be taken and tested for compliance with Outfall 04B.**

Q. BILGE AND/OR SLOP WATERS:

The discharge of bilge and/or slops waters is not permitted.

R. DRY DOCKS

The following Best Management Practices (BMPs) shall be applied to the operation of the dry dock.

1. The dry dock shall be cleared of all construction related trash and debris prior to being flooded.
2. In the event of leakage or spill of any contaminant into or onto the dry dock, said contaminant shall be removed prior to flooding of the dry dock.
3. Each vessel to be sandblasted or abrasive blasted shall be checked for lead content in the paint to be removed. Residues of lead-contaminated blasting debris shall be removed from the dry dock for proper disposal prior to flooding of the dry dock.
4. Deposits of blasting debris in the water shall be minimized by using the following or similar controls:
  - a. Install mesh/plastic/tarpaulin-like curtain or net around the dry dock to be used for blasting and/or spray-painting in such a manner as to minimize the discharge of airborne fugitive dust and/or paint to the water. Wherever possible, the bottom edge of the curtain shall be weighted to allow the curtain to withstand light winds. The curtain shall be in place whenever any blasting/spray painting operations are conducted.
  - b. Upon completion of each blasting job on the dry dock, blasting debris shall be collected from under the vessel by means of air pressure or other appropriate methods and then swept, vacuumed or otherwise removed prior to flooding the dry dock.

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- c. In the event that the structure of a vessel to be blasted or painted prohibits the use of the curtain, the appropriate DEQ regional office will be notified 24 hours in advance of the situation.
5. The discharge of accumulated river silts/sediments within the dry dock or "demucking" the dry dock is allowed provided the following:

Note: this will be a State only requirement if this discharge is covered under a United States Corps of Engineers 404 permit per LAC 33:IX.2315.A.2.

- a. There is no visible sheen associated with the discharge.
- b. The accumulated silts/sediments are discharged directly into the waterbody in which the silts/sediments have originated.
- c. The silt/sediments have accumulated as a result of normal dry dock operations and are composed entirely of silts/sediments from the waterbody in which the dry dock ballast water originated.
- d. The silts/sediments have not come into contact with pollutants or have been contaminated as a result of a leak or spill of pollutants into the dry dock.
- e. The silts/sediments are discharged in such a manner that would not impede the natural flow of the receiving waterbody, or would not violate instream water quality standards for turbidity. For instance, discharging the silts/sediments on a regular schedule to reduce the amount being discharged at one time.

S. BEST MANAGEMENT PRACTICES FOR DOCK WASHDOWN

For facilities discharging wastewaters from dock washdown (with or without soaps and/or detergents), the following BMPs shall be implemented and shall be documented in a written plan which is maintained onsite at the facility (and provided to this Office upon request).

1. All washing shall be conducted without soaps and detergents or with biodegradable soaps used in minimal amounts. The use of non-biodegradable or emulsifying soaps and detergents, cleaners containing potentially hazardous chemicals, and solvents is prohibited.
2. If the washing activity takes place on an impermeable surface (such as concrete or asphalt paving), the area where the washing operation is to be conducted and the subsequent drainage path shall be swept clean of dirt and other dry substances immediately prior to commencing the washing operation.
3. Any spills, drips of fluids, or other contamination to the washing area and the subsequent drainage area shall be picked up by dry means prior to the beginning of the washing operation. The use of detergents, emulsifiers, or dispersants to clean up spilled contaminants is prohibited except where necessary to comply with State and Federal safety regulations (e.g., requirement for non-slippery work surface). In all such cases,



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initial cleanup shall be done by physical removal and chemical usage shall be minimized.

T. BARGE/VESSEL SANDBLASTING OR ABRASIVE BLASTING PROVISIONS

Sandblasting or abrasive blasting at locations other than dry docks shall comply with the following BMPs:

1. When blasting the horizontal surface of a vessel, the work shall be done from the outer perimeter inward so as to direct the blasting debris toward the center of the vessel where it is to be collected.
2. When blasting vertical surfaces from the deck of a work barge/vessel, the operator shall position the work barge/vessel in such a manner as to maximize the probability that any airborne material will settle on the surface of the work barge/vessel rather than in the water.
3. The deck surface of a work barge/vessel used for blasting work shall be constructed of a solid material and shall be equipped with containment (either permanently mounted or temporary) around the perimeter of the barge/vessel to prevent accumulated debris from entering the water.
4. The blasting debris on the deck of work barges/vessels used for blasting shall be collected frequently enough to prevent the accumulated blasting debris from entering the water.

U. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. The purpose of the pollution prevention plan is to identify potential sources of pollution that would reasonably be expected to affect the quality of stormwater and identify the practices that will be used to prevent or reduce the pollutants in stormwater discharges.
2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
3. **For first time permit issuance**, the permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the permittee shall review and update, if necessary, a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention

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Control and Countermeasure Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. EPA document 832-R-92-006 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the Water Resource Center (RC-4100T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington D.C. 20460 or by calling (202) 566-1729 or via the Wetlands Helpline (800) 832-7828.

4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.
  - a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.
  - b. The permittee shall develop a site map which includes all areas where stormwater may contact potential pollutants or substances which can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.
  - c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
  - d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.
  - e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

- f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.
5. The following shall be included in the SWP3, if applicable.
- a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
    - (1) maintaining adequate roads and driveway surfaces;
    - (2) removing debris and accumulated solids from the drainage system; and
    - (3) cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
  - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharge and does not leave residues exposed to future storm events. In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.
  - c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.
  - d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
  - e. If applicable, all storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
  - f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during periods of supervised discharge.

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- g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
- h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (La.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.
- i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
- j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

V. SANITARY DISCHARGE

Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limitation may be required. In many cases this becomes a NO MEASURABLE Total Residual Chlorine Limitation. If such a limitation were imposed the permittee would be required to provide for dechlorination of the effluent prior to discharge. Please be aware, concentrations of Total Residual Chlorine above 0.01 mg/L can cause or contribute to significant toxicity in receiving streams and biomonitoring testing. It is the permittee's responsibility to assure that no Total Residual Chlorine remains in the effluent after dechlorination in order to prevent toxicity in the receiving stream.

W. DISCHARGE MONITORING REPORTS

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute) All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, enter "No Discharge" in the upper right corner of the Discharge Monitoring Report.

Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form (one DMR form per monitoring period per outfall) and submitted to the Office of Environmental Compliance either hand delivered or postmarked no later than the 28<sup>th</sup> day of the month following the reporting period.

- 1. For parameters that require a monitoring frequency of quarterly or more frequent (ex: 1/day, 1/week, 1/discharge, 1/event, etc.), DMRs shall be submitted in accordance with the following schedule:

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Monitoring Period

January, February, March  
 April, May, June  
 July, August, September  
 October, November, December

DMR Postmark Date

April 28<sup>th</sup>  
 July 28<sup>th</sup>  
 October 28<sup>th</sup>  
 January 28<sup>th</sup>

2. For parameters that require a semiannual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period

January 1 – June 30  
 July 1 - December 31

DMR Postmark Date

July 28<sup>th</sup>  
 January 28<sup>th</sup>

3. For parameters that require an annual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period

January 1 – December 31

DMR Postmark Date

January 28<sup>th</sup>

Duplicate copies of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and any violations of the conditions of the permit as well as all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 Permit Compliance Unit  
 Post Office Box 4312  
 Baton Rouge, Louisiana 70821-4312

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ATTACHMENT 1

List of Commodities

Diesel  
Lube Oil  
Fuel Oil

PART III  
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

**12. Severability**

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

**13. Dilution**

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

**14. Facilities Requiring Approval from Other State Agencies**

In accordance with La R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with La R.S.48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Department of Health and Hospitals.

**SECTION B. PROPER OPERATION AND MAINTENANCE****1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**3. Proper Operation and Maintenance**

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.



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(4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

## SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection

(1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.

(2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

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"Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

#### 6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

#### 7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

#### 8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

#### 9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

#### 10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
  - (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
  - (2) Required as part of any permit application;
  - (3) Required by order of the department;
  - (4) Required to be included on any monitoring reports submitted to the department;
  - (5) Required to be submitted by contractor
  - (6) Otherwise required by department regulations.

**4. Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit  
Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

**5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

**6. Requirements for Notification****a. Emergency Notification**

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

**b. Prompt Notification**

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) as follows:

- (1) by the Online Incident Reporting screens found at <http://www3.deq.louisiana.gov/surveillance/irf/forms/> ; or

- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked **"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."**

Please see LAC 33:1.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

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- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
  - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

### SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

#### 1. Criminal

##### a. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

##### b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under

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4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

27. The term mg/L shall mean milligrams per liter or parts per million (ppm).
28. The term SPC shall mean Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.9).
29. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.
30. The term ug/L shall mean micrograms per liter or parts per billion (ppb).
31. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
32. Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
33. Wastewater—liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.
34. Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.
35. Weekly average, other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

$$= \frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

36. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.